

(6) *Equal Employment Opportunity—EEO Discrimination Complaint Investigations, USPS 030.010.* This system is exempt from 5 U.S.C. 552a(d) (1)–(4), (e) (4) (G) and (H), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2) as material compiled for law enforcement purposes and subsection (k)(5) as relating to the identity of a source who has furnished information to the government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment. The reasons for exemption follow.

(i) To the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2), application of the requirements of the exemption at subsection (d)(1)–(4) would cause disruption of enforcement of the laws relating to equal employment opportunity (EEO). To the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5), application of the provisions at subsection (d)(1)–(4) would reveal to the EEO complainant the identity of individuals who supplied information under a promise of anonymity. It is essential to the integrity of the EEO complaint system that information collected in the investigative process not be prematurely disclosed and that witnesses be free from restraint, interference, coercion, or reprisal.

(ii) The requirements of subsections (e) (4) (G) and (H), and (f) do not apply to this system for which exemption from subsection (d) of the Act has been claimed. Nevertheless, the Postal Service has published notice of its notification, access, and contest procedures because access to system records that do not compromise the investigative process or reveal the identity of confidential sources is appropriate in some cases.

[59 FR 35625, July 13, 1994]

#### § 266.10 Computer matching.

(a) *General.* Any agency or Postal Service component that wishes to use records from a Postal Service automated system of records in a computerized comparison with other postal or non-postal records must submit its pro-

posal to the USPS Freedom of Information/Privacy Acts Officer. Computer matching programs as defined in paragraph (c) of § 262.5 must be conducted in accordance with the Privacy Act, implementing guidance issued by the Office of Management and Budget and these regulations. Records may not be exchanged for a matching program until all procedural requirements of the Act and these regulations have been met. Other matching activities must be conducted in accordance with the Privacy Act and with the approval of the Freedom of Information/Privacy Acts Officer. See paragraph (b)(6) of § 266.4.

(b) *Procedure for submission of matching proposals.* A proposal must include information required for the matching agreement discussed in paragraph (d)(1) of this section. The Inspection Service must submit its proposals for matching programs and other matching activities to the USPS Freedom of Information/Privacy Acts Officer through: Independent Counsel, Inspection Service, U.S. Postal Service, 475 L'Enfant Plaza SW, Rm 3417, Washington, DC 20260-2181. All other matching proposals, whether from postal organizations or other government agencies, must be mailed directly to: Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-5243.

(c) *Lead time.* Proposals must be submitted to the USPS Freedom of Information/Privacy Acts Officer at least 3 months in advance of the anticipated starting date to allow time to meet Privacy Act publication and review requirements.

(d) *Matching agreements.* The participants in a computer matching program must enter into a written agreement specifying the terms under which the matching program is to be conducted. The Freedom of Information/Privacy Acts Officer may require similar written agreements for other matching activities.

(1) *Content.* Agreements must specify:

- (i) The purpose and legal authority for conducting the matching program;
- (ii) The justification for the program and the anticipated results, including, when appropriate, a specific estimate of any savings in terms of expected

costs and benefits, in sufficient detail for the Data Integrity Board to make an informed decision;

(iii) A description of the records that are to be matched, including the data elements to be used, the number of records, and the approximate dates of the matching program;

(iv) Procedures for providing notice to individuals who supply information that the information may be subject to verification through computer matching programs;

(v) Procedures for verifying information produced in a matching program and for providing individuals an opportunity to contest the findings in accordance with the requirement that an agency may not take adverse action against an individual as a result of information produced by a matching program until the agency has independently verified the information and provided the individual with due process;

(vi) Procedures for ensuring the administrative, technical, and physical security of the records matched; for the retention and timely destruction of records created by the matching program; and for the use and return or destruction of records used in the program;

(vii) Prohibitions concerning duplication and redisclosure of records exchanged, except where required by law or essential to the conduct of the matching program;

(viii) Assessments of the accuracy of the records to be used in the matching program; and

(ix) A statement that the Comptroller General may have access to all records of the participant agencies in order to monitor compliance with the agreement.

(2) *Approval.* Before the Postal Service may participate in a computer matching program or other computer matching activity that involves both USPS and non-USPS records, the Data Integrity Board must have evaluated the proposed match and approved the terms of the matching agreement. To be effective, the matching agreement must receive approval by each member of the Board. Votes are collected by the USPS Freedom of Information/Privacy Acts Officer. Agreements are signed on behalf of the Board by the Chairman. If

a matching agreement is disapproved by the Board, any party may appeal the disapproval in writing to the Director, Office of Management and Budget, Washington, DC 20503-0001, within 30 days following the Board's written disapproval.

(3) *Effective dates.* No matching agreement is effective until 40 days after the date on which a copy is sent to Congress. The agreement remains in effect only as long as necessary to accomplish the specific matching purpose, but no longer than 18 months, at which time the agreement expires unless extended. The Data Integrity Board may extend an agreement for one additional year, without further review, if within 3 months prior to expiration of the 18-month period it finds that the matching program is to be conducted without change, and each party to the agreement certifies that the program has been conducted in compliance with the matching agreement. Renewal of a continuing matching program that has run for the full 30-month period requires a new agreement that has received Data Integrity Board approval.

[59 FR 37161, July 21, 1994, as amended at 60 FR 57345, Nov. 15, 1995]

## PART 267—PROTECTION OF INFORMATION

### Sec.

267.1 Purpose and scope.

267.2 Policy.

267.3 Responsibility.

267.4 Information security standards.

267.5 National Security Information.

AUTHORITY: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

### § 267.1 Purpose and scope.

This part addresses the protection of information and records in the custody of the Postal Service throughout all phases of information flow and within all organization components, and includes micromated, manual and data processing information.

[40 FR 45726, Oct. 2, 1975]

### § 267.2 Policy.

Consistent with the responsibility of the Postal Service to make its official records available to the public to the